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10/814,978	03/31/2004	Amy Delphine Travis	IBM-013	8690

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2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/814,978	TRAVIS ET AL.
	Examiner	**Art Unit**	
	Rashedul Hassan	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 May 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20 and 25-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20 and 25-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 25-26 and 28-30 are rejected for being directed to non-statutory subject matter.

Claims 25,26 and 28-30 are intended to be directed to a computing system. However, as claimed, only a "sharer processor", a "shared data generator" and a "viewer processor" are recited to be the components of the system. Since a person of ordinary skill in the art can reasonably interpret these components (processors), in the broadest reasonable interpretation, to be nothing more than program modules or functional descriptive materials without any explicit combination with an appropriate computer useable physical medium, the above claims have been rejected for being directed to non-statutory subject matter under the meaning of 35 U.S.C. §101.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-7, 10, 12-20, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. (US 5,867,156) hereinafter Beard, in view of Salesky et al. (US 6,343,313 B1) hereinafter Salesky.

For claims 1, 17, 25-27 Beard teaches a computer implemented method and corresponding apparatus for sharing a portion of a sharer display with a viewer display, the method comprising:

determining a sharing area defining a portion of the sharer display to be shown on the viewer displays (wavy lines 65 in Fig. 7A, dots 44 in Fig. 7B), based on a position of a cursor (shared host cursor 71 in Fig. 7A-7B, column 7 line 50- column 8 line 62) in the sharer display (since guest viewport 43 tracks the shared host cursor 71);

sending display data in the sharing area to the viewer displays (column 8 lines 9-15); and

showing the display data on the viewer display (Fig. 7A-7B and Fig. 8, column 7 line 50 – column 8 line 62).

Beard does not teach,

"determining, for a plurality of viewer displays, a display allocation for each viewer display;

determining a sharing area defining a portion of the sharer display to be shown on the viewer displays, based on the display allocations for the viewer displays".

According to Beard, shared area of the sharer display is determined by tracking the host shared cursor. But Beard does not say how much of the sharer display surrounding the host cursor should be shared among the guest displays. Salesky teaches one computer implemented conferencing method and system that allows conference participants to share all or a portion of the display seen on their computer screens based on determined display allocations for the viewer displays (Fig. 6A-6B). Salesky teaches sharing only the portion of the sharer display that is being shown in the guest displays (column 16 lines 19-24), in other words, based on the display allocations of the guest displays that are used to show the portion of the sharer display. Therefore, it would have been obvious to a person of ordinary skill in the art to combine Beard with Salesky to arrive at the present invention. The motivation for such combination would have been to achieve efficiency in terms of resources and network bandwidth used for sharing contents among participants (column 10 lines 29-38).

For claims 2, 18, and 28 Beard further teaches detecting a new position of the cursor in the sharer display ; moving the sharing area to define a different portion of the sharer display in response to the new position of the cursor; sending display data in the moved sharing area to the viewer displays; and showing the different portion of the sharer display on the viewer display (Fig. 7A-7B, column 7 line 50 – column 8 line 62).

For claim 4, Beard further teaches the moving of the sharing area comprises moving the sharing area to define a different portion of the sharer display if the new position of the cursor in the sharer display is outside the sharing area (column 8 lines 56-62).

For claim 5, the combined invention of Beard and Salesky further teaches the determination of a sharing area comprises determining a common area based on the display allocations (since a common area surrounding the shared host cursor 71 is shared between multiple guests and this common area is determined based on the display allocations as already discussed in the rejection of claim 1).

For claims 6, 19, and 29, Beard does not teach showing a sharing frame on the sharer display, the sharing frame indicating the perimeter of the portion of the sharer display showing on the viewer display. However, Salesky teaches showing a sharing frame on the sharer display, the sharing frame indicating the perimeter of the portion of the sharer display showing on the viewer display (53 in Fig. 6B). Therefore, it would

have been obvious to a person of ordinary skill in the art at the time of the invention to

combine the teachings of Beard with that of Salesky to arrive at the present invention.

The motivation for such combination would have been to indicate to the sharer the

portion of his/her shared display that is currently viewable to the guest display in order

to perform the capture or compare only the blocks currently displayed in the viewer

display (Salesky, column 16 lines 38-46).

For claim 7, Salesky further teaches that the sharing frame has a rectangular

shape (53 in Fig. 6B).

For claims 10, 12, 20, and 30, Beard teaches detecting a new position of the

cursor in the sharer display (see discussion of Fig,. 7A-7B regarding automatic cursor

tracking. Fig. 7A shows the initial position of the host cursor 71 positioned on the wavy

lines 65 in host viewport 42 and the guest cursor 72 also positioned to be in synch with

the host cursor 71 and positioned on the wavy lines 65 in guest viewport 43. Guest

viewport 43 showing the wavy lines portion 65 of the output where the host cursor 71 is

positioned. When the host cursor 71 is moved to a new position on the dots 44 outside

the current sharing area as shown in Fig. 7B, this new position is detected in order to

automatically scroll the guest viewport to display the new portion of the output and

position the guest cursor 72 on this new position). However, Beard does not teach

showing the sharing frame. But, it has already been pointed out in the rejection for claim

6 that Salesky teaches showing a sharing frame indicating the perimeter of the portion

of the sharer display showing on the viewer display and the motivation for combining the

teachings of Beard and Salesky. Therefore, it follows that the combined invention

teaches showing the sharing frame at a new position in the sharer display in response

to the new position of the cursor (since when the guest cursor 72 is moved to the new

position on the dots 44 in the viewer viewport, the sharing frame in the host viewport 42

will need to be moved on to the dots 44 portion of the sharing display in order to indicate

the perimeter of the portion of the sharer display showing on the viewer display).

For claim 13, Beard and Salesky do not explicitly teach that the determination of

a sharing area comprises determining a largest common dimension for the display

allocations. However, Beard mentions that one of the known technique for ensuring

display compatibility among participants known to a person of ordinary skill in the art at

the time of the invention includes limiting the respective window viewports of all

participants (Beard, column 2 lines 25-30). Therefore, based on this well known

technique, it would have been obvious for a person of ordinary skill in the art at the time

of the invention to modify the combined teachings of Beard and Salesky to limit the

sharing area to the largest common dimension for the display allocations. The

motivation for such combination would have been to display only one common attendee

window (53 as shown in Fig. 6B, Salesky) in host viewport (42 in Fig. 7B, Beard) and

hence simplify the method of synchronization between the host viewport and the guest

viewport with minimal clutter.

For claims 14-16, Beard does not teach determining the display allocations

comprises polling a plurality of viewing computers to acquire the display allocations for

determining an updated sharing area. However, Salesky teaches that in the event of

resizing the attendee window 52 causing a change in the viewer display allocation, the

bounds of what is being shown at the attendee client can be communicated to the

presenter client in order to process only that portion of the presenter display currently

shown in the attendee window (column 6 lines 16-46). Therefore, it would have been

obvious for a person of ordinary skill in the art at the time of the invention to combine

the teachings of Beard with that of Salesky to poll a viewing computer periodically for

display allocation information in order to determine an updated sharing area. The

motivation for such combination would have been to process only that much of the host

viewport currently displayed on the guest viewport (Salesky, column 16 lines 33-37).

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard in

view of Salesky, and further in view of Ellis et al. (US 2003/0210281 A1) hereinafter Ellis.

For claims 3 and 11, Beard and Salesky do not teach that the detecting

comprises detecting an average position of the cursor in the sharer display during a

predetermined time interval. However, Ellis teaches a method of magnifying thumbnail

pictures as the cursor is swept over the thumbnails using average position of the cursor

during a predetermined time interval ([0055]). Therefore, it would have been obvious for

a person of ordinary skill in the art at the time of the invention to combine the teaching

of Ellis with that of Beard and Salesky to arrive at the instant invention. The motivation

for such combination would have been to avoid visually disturbing sight due to frequent

adjustment on the guest viewport display caused by rapid mouse movement ([0055]).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard in view of Salesky, and further in view of Rosenholtz (US 7,130,461 B2).

For claims 8 and 9, Beard and Salesky do not teach that the color of the sharing

frame is selected to contrast with a background color of the sharer display or with a

feature in the sharer display. However, Rosenholtz teaches this missing limitation (see

Fig. 1 and related discussion in column 4 line 54 – column 5 line 4). Therefore, it would

have been obvious for a person of ordinary skill in the art at the time of the invention to

combine the teaching of Rosenholtz with the combined teachings of Beard and Salesky

to arrive at the instant invention. The motivation for such combination would have been

to facilitate drawing user's attention (Rosenholtz, column 4 line 63-65).

Response to Arguments

The examiner acknowledges and appreciates the amendments submitted on 05/07/2007.

The Applicant has cancelled claims 21-24.

The Applicant has amended claims 1-2, 5, 13-20 and 25.

Claims 1-20, and 25-30 are currently pending.

Based on Applicant's amendment to the Drawings and Specification, previous objections to the Drawings and Specification are hereby withdrawn.

Based on Applicant's amendment to claims 17-20, previous rejection under 35 U.S.C. §101 for these claims are also hereby withdrawn.

Applicant's arguments filed on 05/07/2007 regarding the previous rejections of claims 25-26 and 28-30 under 35 U.S.C. §101 have been fully considered, but they are not persuasive. The Examiner recognizes and agrees with the Applicant that the recited elements ("sharer processor", "shared data generator" and "viewer processor") can be implemented as discrete hardware components or subcomponents of a computer system. The Applicant argues that an interpretation that limits the "sharer processor", "shared data generator" and "viewer processor" to program modules is "an unreasonably narrow interpretation". However, the Applicant fails to show as to why the claims as recited exclude the possibility of such an interpretation within the scope of the claims. As long as the claims can lend themselves to such an interpretation, they are

reasonably rejected for being directed to non-statutory subject matter under the meaning of 35 U.S.C. §101, even if the recited elements can also be interpreted as discrete hardware components or subcomponents of a computer system. Therefore, the rejections of claims 25-26 and 28-30 under 35 U.S.C. §101 made in the previous Office Action have been maintained in this Office Action.

Applicant's arguments with respect to claims 1-20, and 25-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

(Rashedul Hassan)

WEILUN LO
SUPERVISORY PATENT EXAMINER